



**NOVEMBER 10, 2020**

**10 a.m.**

(Remote Access Only)

The California Energy Commission's (CEC) November 10, 2020 Business Meeting will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. The public may participate and observe the meeting consistent with the direction in these Executive Orders. Instructions for remote participation can be found in the notice for this meeting and as set forth below in this agenda.

Pursuant to California Code of Regulations Title 20 section 1104(e), any person may make oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to three minutes per person as to each item listed on the agenda that will be voted on today. Any person wishing to comment on information items or reports (non-voting items) shall reserve their comment for the general public comment portion of the meeting agenda and shall have three minutes total to address all remaining comments.

**THE CEC WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING:**

**1. Consent Calendar.**

(Items will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.)

- a. **GEOHERMAL RESOURCES COUNCIL.** Proposed resolution approving Agreement 500-20-001 with the Geothermal Resources Council for a \$4,550 contract for a two-year Sustaining membership. The Sustaining membership includes up to 20 representative memberships to the Geothermal Resources Council. (GRDA funding) Contact: James Folkman.

**2. Disadvantaged Communities Advisory Group's (DACAG) 2019 Annual Report.**

Presentation of the DACAG's 2019 annual report by the DACAG chair and vice chair. The DACAG advises the CEC and California Public Utilities Commission (CPUC) on proposed programs related to renewable energy, energy efficiency, transportation electrification, distributed generation, and clean energy research and development programs, and advises on whether those proposed programs will be

effective and useful in disadvantaged communities. Contact: Noemí Gallardo. (Staff presentation: 15 minutes)

**3. Order Instituting Information (OII) Proceeding (20-TIRE-01) – Data and Information Collection for the Replacement Tire Efficiency Program.**

Consideration and possible approval of an OII proceeding to gather information and evaluate actions to address provisions of Public Resources Code sections 25770-25773 enacted by Assembly Bill (AB) 844 (Nation, Stats. of 2003, ch. 645). This order will update information on tire efficiency impacts, testing and measurement methods, standards, and consumer awareness actions related to low rolling resistance replacement tires for California passenger vehicles and possibly lead to a subsequent rulemaking proceeding to adopt and implement a tire rating system and minimum tire efficiency standard. Contact: Tim Olson. (Staff presentation: 10 minutes)

**4. 2021 Integrated Energy Policy Report (IEPR) Scoping Process (21-IEPR-01).**

Discussion item regarding scoping for 2021 IEPR Order Instituting Information proceeding. Contact: Drew Bohan. (Staff presentation: 10 minutes)

**5. West Coast Code Consultants, Inc.**

Proposed resolution approving Agreement 700-20-001 with West Coast Code Consultants, Inc. for a \$3,000,000 contract to provide the Siting, Transmission & Environmental Protection Division with delegate chief building official services for approved project modifications and emergency power plant facility changes for a contract cycle of three years. (EFLCF funding) Contact: Chris Davis. (Staff presentation: 5 minutes)

**6. City of Oakdale.**

Proposed resolution approving Agreement 001-20-ECI with the City of Oakdale for a \$3,000,000 loan at one percent interest, and adopting staff's determination that this action is exempt from CEQA. The loan will be used to install four solar photovoltaic (PV) systems. The project is estimated to generate 1,644,860 kWh of electricity, resulting in annual energy cost savings of \$180,772. (ECAA Program Funding) Contact: Monica Rudman. (Staff presentation: 5 minutes)

**7. Frito-Lay, Inc.**

Proposed resolution approving Agreement FPI-20-001 with Frito-Lay, Inc. for a \$3,528,312 grant to install a solar-powered microgrid at the recipient's snack food processing facility in Rancho Cucamonga to reduce greenhouse gas emissions from consumption of grid electricity and improve resilience to grid outages, and adopting staff's determination that this action is exempt from the California Environmental Quality Act (CEQA). (FPIP funding) Contact: Kevin Uy. (Staff presentation: 5 minutes)

**8. Minutes.**

Possible approval of the October 14, 2020 business meeting minutes.

## **9. Lead Commissioner or Presiding Member Reports.**

A lead commissioner on a policy matter may report to the CEC on the matter and discussion may follow. A presiding member on a delegated committee may report to the CEC on the matter and discussion may follow.

## **10. Executive Director's Report.**

## **11. Public Advisor's Report.**

## **12. Public Comment.**

Individuals may speak up to three minutes on any matter concerning the CEC, with the exception of items appearing on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

## **13. Chief Counsel's Report.**

- a. Pursuant to Government Code section 11126(e), the CEC may adjourn to closed session with its legal counsel to discuss any of the following matters to which the CEC is a party:
  - i. *In the Matter of U.S. Department of Energy (High Level Waste Repository), (Atomic Safety Licensing Board, CAB-04, 63-001-HLW); State of California v. United States Department of Energy* (9th Cir. Docket No. 09-71014).
  - ii. *Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and California State Controller* (Alameda County Superior Court, Case No. RG13681262).
  - iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck* (Sacramento County Superior Court, Case No. 34-2016-00204586).
  - iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, Case No. 17-cv-03404).
  - v. *In re: PG&E Corporation and In re: Pacific Gas and Electric Company* (United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 19-30088).
  - vi. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc* (Sacramento County Superior Court, Case No. 34-2019-00252543).
  - vii. *Olson-Ecologic Testing Laboratories, LLC v. CEC.* (Orange County Superior Court, Case No. 30-2019-01115513).
  - viii. *Interlink Products International, Inc. v. Xavier Becerra, Drew Bohan, Melissa Rae King* (United States District Court for the District of New Jersey, Case No. 2:20-cv-10566)

- ix. *Southern California Gas Company v. California State Energy Resources Conservation and Development Commission* (Orange County Superior Court, Case No. 30-2020-01152336-CU-WM-CXC).
- b. Pursuant to Government Code section 11126(e), the CEC may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the CEC, which might include personnel matters.

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**Public Advisor and Other Commission Contacts**

**Public participation.** To make public comment, call into the meeting using a phone according to the instructions above or [email concise comments](#) with your main point to [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov) to have the CEC's public advisor verbally relate the comments. The Public Advisor's Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this business meeting or to request interpreting services or other reasonable accommodations, please contact [Public Advisor Noemí O. Gallardo](#) at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), or by phone at (916) 654-4489 or toll free at (800) 822-6228. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

**Media.** Inquiries may be directed to Media and Public Communications at 916-654-4989.

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**Adjournment of Hearings and Meetings.** Depending on time and the orderly management of proceedings, the CEC may adjourn (recess or postpone) any noticed hearing or meeting to be continued the next day, another specific date or time, or the next business meeting. Any such adjournment will be noticed at the time the order of adjournment is made. (Government Code sections 11128.5, 11129)